

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

REBECCA MCNEIL, *et al.*,

Plaintiffs,

v.

MOUNT CARMEL HEALTH SYSTEM, *et al.*,

Defendants.

CASE NO.: 2:20-CV-00258

JUDGE: EDMUND A. SARGUS, JR.

MAGISTRATE JUDGE: KIMBERLY A. JOLSON

**STIPULATION AND [PROPOSED] ORDER RESOLVING RE-SETTING DISCOVERY
DEADLINES**

Plaintiffs, Rebecca McNeil, Beth Macioce-Quinn, Earlene Romine, Edward Wright, Brandi Wells, Akeela Bowens, Chad Readout, Jessica Sheets, and Deron Lundy (collectively, “Plaintiffs”), and Defendants, Mount Carmel Health System (“Mount Carmel”), Trinity Health Corporation (“Trinity”) and Edward Lamb (“Lamb”) (collectively, “Defendants”) (all collectively the “Parties”), by the stipulation of their respective undersigned counsel, hereby state and stipulate as follows:

WHEREAS, on April 20, 2021 the Parties appeared before Hon. Kimberly Jolson for a telephonic status conference regarding discovery; and

WHEREAS, discovery in this matter has progressed slower than initial expected as a result of the COVID-19 Pandemic; and

WHEREAS, the Parties have requested the Court enter an order resetting all scheduled deadlines in the case to allow sufficient time for full and fair discovery, but in a manner that acknowledges the need to progress the case forward in a timely manner; and

WHEREAS, Defendants served a revised log of documents withheld on an assertion of privilege or immunity from discovery on April 23, 2021;

WHEREAS, the Court has requested the Parties propose such a schedule; and

WHEREAS, following the April 20, 2021 conference, the Parties conferred and agreed that the case would be better expedited and more efficient if discovery were bifurcated to permit briefing on dispositive motions to proceed following the completion of fact discovery and limited expert disclosure, but before the parties embark on full expert discovery.

NOW, THEREFORE, IT IS STIPULATED, and the Parties Jointly Request that:

1. All production of previously-requested documents not withheld upon an assertion of privilege or immunity from discovery shall be complete by June 21, 2021, absent leave of Court for good cause shown.

2. Defendants shall serve a supplemental and final revised log of all documents withheld on an assertion of privilege or immunity from discovery on or by June 30, 2021.

3. All disputes regarding an assertion of privilege or immunity from discovery made in Defendants' April 23, 2021 log that cannot be resolved by the Parties shall be raised with the Court by motion no later than May 21, 2021.

4. All fact witness depositions (whether by notice or Rule 45 Subpoena) must be noticed by July 20, 2021.

5. All fact witness depositions (whether by notice or Rule 45 Subpoena) must be completed by September 15, 2021.

6. All requests for admission shall be served by October 15, 2021.

7. The final day for fact discovery (other than responding to previously served requests for admission) shall be October 18, 2021.

8. The Parties shall exchange the names, resumes, and curricula vitae of any experts that the Parties respectfully intend to call at trial, or rely upon in connection with dispositive motions, along with a brief description of their anticipated testimony, by October 29, 2021. Experts that may be called or relied upon for rebuttal only may be identified in connection with the calling party's submission on any dispositive motion, or on or by the date therefor.

9. Dispositive motions shall be filed by November 23, 2021.

10. Plaintiffs shall serve a settlement demand on Defendants no later than October 15, 2021, and Defendants shall serve a response on or by October 29, 2021.

11. The parties shall participate in Court-mandated mediation during the month of February 2022 (following the completing of briefing on dispositive motions).

12. All deadlines herein may be adjusted by agreement of the Parties without leave of Court with the exception of those set forth in paragraphs 1, 3, 7 and 9.

13. The Court shall hold a telephonic compliance conference on [June 25, 2021 at 10:00 a.m.].

14. The Parties shall contact the Court to schedule a telephonic scheduling conference regarding expert discovery (including the exchange of reports and deadlines for depositions and the filing of Daubert motions) following the conclusion of briefing on dispositive motions and completion of mediation (unless such mediation is successful).

15. This Stipulation and Proposed Order may be signed electronically and in counterpart.

[SIGNATURE PAGE FOLLOWS]

STIPULATED AND AGREED:

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SO ORDERED:

U.S.M.J.